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PTO/SB/21 (6-99)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/773,951
Filing Date	February 6, 2004
First Named Inventor	David Agus
Group/Art Unit	1636
Examiner Name	Schlapkohl, Walter

Total Number of Pages in This Submission

Attorney Docket Number

39740-0009

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Copy of an Assignment	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Response to Final Office Action	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Version With Markings Showing Changes	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers	<input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> 10 cited references; and Stamped Return Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<input type="checkbox"/> Copy of Notice		

Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39740-0009.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRLMAN LLP 275 Middlefield Road, Menlo Park, California 94025	LESLIE A. MOOI (Reg. No. 37,047) Telephone: (650) 324-7000 Facsimile: (650) 324-0638
Signature		
Date	August 23, 2006	Customer Number: 25213

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP: Amendment, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: August 23, 2006

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Typed or printed name	Kathleen K. Muto		
Signature		Date	August 23, 2006

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This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --

(2) It is being filed within 3 months of entry of a national stage
-- OR --

(3) It is being filed before the mail date of the first Office Action on the merits
-- OR --

(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

a certification as specified in §1.97(e) is provided below; or

a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

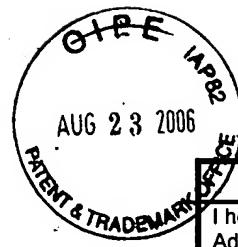
Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.: 39740-0009).

Respectfully submitted,

By: 
Leslie A. Mooi (Reg. No. 37,047)

Dated: August 23, 2006

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Typed or print name	Kathleen K. Muto		
Signature	<i>Kathleen K. Muto</i>	Date	August 23, 2006

PATENT

Attorney Docket No.: 39740-0009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): David Agus)	Confirmation No. 8470
Application No.: 10/773,951)	Art Unit: 1636
Filed: February 6, 2004)	Examiner: Schlapkohl, Walter
Title: Gene Expression Markers For Response to EGFR Inhibitor Drugs)	

INFORMATION DISCLOSURE STATEMENT

08/28/2006 EHAILE1 00000042 081641 10773951

UNDER 37 C.F.R. §1.97 01 FC:1806 180.00 DA

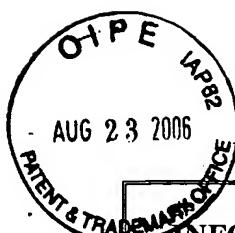
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Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each cited pending unpublished U.S. application, and all additional publications other than U.S. patents and U.S. patent application publications. 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.



SHEET 1 OF 2

INFORMATION DISCLOSURE STATEMENT PTO-1449		ATTY. DOCKET NO.		SERIAL NO.	
		39740-0009		10/773,951	
		APPLICANT: David Agus			
		FILING DATE: 02/06/2004		GROUP: 1636	
U.S. PATENT DOCUMENTS					
EXAMINER'S INITIALS	PUBLICATION NO.	DATE	NAME	CLASS	SUBCLASS
	2002/0009736	01/24/02	Wang	435	6
	2003/0073112	04/17/03	Zhang et al.	435	6
	2003/0104499	06/05/03	Pressman et al.	435	7.23
	2003/0165952	09/04/03	Linnarsson et al.	435	6
	2003/0180791	09/25/03	Chinnadurai	435	6
	2003/0198970	10/23/03	Roberts	435	6
	2004/0009489	01/15/04	Golub et al.	435	6
	2004/0133352	07/08/04	Bevilacqua et al.	702	19
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS
	4,699,877	10/13/87	Cline et al.	435	6
	5,015,568	05/14/91	Tsujimoto et al.	435	5
	5,459,251	10/17/95	Tsujimoto et al.	536	23.5
	RE 35491	04/08/97	Cline et al.	435	6
	5,858,678	01/12/99	Chinnadurai	435	7.1
	5,952,179	09/14/99	Chinnadurai	435	6
	5,985,553	11/16/99	King et al.	435	6
	6,207,452	03/27/01	Govindaswamy	435	330
	6,271,002	08/07/01	Linsley et al.	435	91.1
	6,322,986	11/27/01	Ross	435	6
	6,414,134	07/02/02	Reed	536	24.5
	6,582,919	06/24/03	Danenberg	435	6
	6,602,670	08/05/03	Danenberg	435	6
	6,618,679	09/09/03	Loehrlein et al.	702	20
EXAMINER		DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO.	SERIAL NO.
PTO-1449	39740-0009	10/773,951
	APPLICANT: David Agus	
	FILING DATE: 02/06/2004	GROUP: 1636

FOREIGN PATENT DOCUMENTS

OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
		Brabender, Jan, et al.; <i>Epidermal Growth Factor Receptor and HER2-neu mRNA Expression in Non-Small Cell Lung Cancer Is Correlated with Survival</i>, Clinical Cancer Research; Vol. 7, July 2001; pgs. 1850-1855.
		Ding, Chunming, et al.; <i>A high-throughput gene expression analysis technique using competitive PCR and matrix-assisted laser desorption ionization time-of-flight MS</i>, PNAS, Vol. 100:6; March 18, 2003; pgs. 3059-3064.
		Cambridge Healthtech Institute Conference Agenda; "ENABLING MOLECULAR PROFILING WITH CELLULAR RESOLUTION: Microgenomics Using Homogeneous Cell Samples"; Dec. 2002; 5 pgs.
		Yang, Li, et al.; <i>BADGE, BeadArray for the Detection of Gene Expression, a High-Throughput Diagnostic Bioassay</i>, Genome Research; Vol. 11; 2001; pgs. 1888-1898.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.